

FILED IN CHAMBERS  
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ORIGINAL

MAR 10 2020

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

JAMES N. HATTEN, Clerk  
By: *pn*

UNITED STATES OF AMERICA

v.

THOMAS ADDAQUAY,  
NANA ADDAQUAY, AND  
SACOYA LYONS

Criminal Indictment

No. **1:20-CR- 126**  
Under Seal

THE GRAND JURY CHARGES THAT:

**COUNT ONE**  
**18 U.S.C. § 1349**  
**Conspiracy to Commit Wire Fraud**

1. Beginning on a date unknown, but from at least December 2012 and continuing until at least in or about July 2016, the exact dates being unknown to the Grand Jury, in the Northern District of Georgia and elsewhere, defendants THOMAS ADDAQUAY and SACOYA LYONS, did knowingly and willfully combine, conspire, confederate, agree, and have a tacit understanding with each other, and with other persons known and unknown to the Grand Jury, to devise and intend to devise a scheme and artifice to defraud, and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, and by omission of material facts, well knowing and having reason to know that said pretenses, representations, and promises were and

would be false and fraudulent when made and caused to made and that said omissions were and would be material, and in so doing, caused interstate and foreign wire communications to be made in furtherance of the scheme and artifice to defraud, in violation of Title 18, United States Code, Section 1343.

### Background

It is relevant to the conspiracy that:

2. The Internal Revenue Service (IRS) is an agency of the United States Department of Treasury responsible for the ascertainment and collection of revenue, including income tax revenue, and the disbursement of tax refunds to taxpayers whose tax payments in a particular year exceed the amount of their actual tax liability.
3. Most individuals who earn income in the United States are required to file a federal income tax return with the IRS for the tax year in which the income was earned.
4. An IRS form 1040 is what an individual typically files as his or her tax return. A form 1040 calculates a taxpayer's federal tax liability, using various financial and familial information, including gross income, number of dependents, charitable deductions, mortgage interest payments, and determines

whether the individual owes any additional federal income tax. If the taxpayer has overpaid during a given tax year, the taxpayer is entitled to a refund.

5. The IRS issues tax refunds by either wire transfer directly into the taxpayer's (or another identified) bank account or by mailing the taxpayer a United States Treasury check.

6. Taxpayers and tax preparers can file income tax returns by mail, or electronically over the Internet using a computer. To file electronically, taxpayers and tax preparers may obtain software, which is available at retail stores or online. Tax preparation software also allows taxpayers and tax preparation businesses access to its website, via login identification, to prepare and file income tax returns.

7. The process of electronically filing a federal income tax return and receiving a refund involves the transmission of interstate wire communications. Electronic returns initiated in Georgia by tax preparation companies are generally transmitted to the IRS outside of the state of Georgia. The IRS sends an electronic communication to the Financial Management Service, a bureau of the United States Department of the Treasury, which processes the refund payment and issues the payment from one of its locations outside of Georgia.

**Manner and Means**

It was part of the conspiracy that:

8. THOMAS ADDAQUAY filed or caused unidentified conspirators to file fraudulent federal income returns using stolen personal identifying information, including names and social security numbers.
9. THOMAS ADDAQUAY and unidentified conspirators directed that refunds associated with the fraudulent federal income tax returns be sent to tax refund processing companies, such as Santa Barbara Tax Products Group, Refundo, EPS Tax, and Refund Advantage.
10. THOMAS ADDAQUAY printed or directed unidentified conspirators to print tax refund checks generated by fraudulent income tax returns and electronically sent the refund checks to Reliafund, Inc., an electronic payment processing provider located in Minnesota.
11. It was further part of the conspiracy that THOMAS ADDAQUAY engaged Reliafund, Inc. to deposit the fraudulently obtained tax refund checks into its bank account and to wire the proceeds to bank accounts he controlled.
12. It was further part of the conspiracy that THOMAS ADDAQUAY and other conspirators organized companies with the Georgia Secretary of State, including United Consolidated Accounting and Business Services, Inc., United

Cons Acctng and Business Svcs Limited Partnership, and Delta Atlantic Services LLC that were used to open business bank accounts in which fraudulently obtained income tax return refunds were electronically deposited.

13. It was further part of the conspiracy that THOMAS ADDAQUAY and SACOYA LYONS and other conspirators received proceeds of the fraudulently obtained tax refunds.

14. On or about December 12, 2012, THOMAS ADDAQUAY opened a PNC bank account ending in x1847 in the name of United Consolidated Accounting and Business Services, Inc. in which fraudulently obtained tax refunds were electronically deposited.

15. On or about December 21, 2012, THOMAS ADDAQUAY directed S.W. to open a J.P. Morgan Chase bank account ending in x1370 in the name of United Consolidated Accounting and Business Services, Inc. in which fraudulently obtained tax refunds were electronically deposited.

16. On or about April 16, 2014, THOMAS ADDAQUAY opened a BB&T bank account ending in x6299 in the name of United Consolidated Accounting and Busines (sic) in which fraudulently obtained tax refunds were deposited. THOMAS ADDAQUAY and SACOYA LYONS were both authorized signers on the bank account.

17. On or about February 24, 2015, THOMAS ADDAQUAY opened Wells Fargo bank accounts ending in x9683 and x9691 in the name of Thomas Addaquay dba United Consolidates in which fraudulently obtained tax refunds were deposited.

18. On or about February 24, 2015, THOMAS ADDAQUAY opened a BB&T bank account ending in x3566 in the name of United Consolidated Accounting and Busines (sic) in which fraudulently obtained tax refunds were deposited. THOMAS ADDAQUAY and SACOYA LYONS were both authorized signers on the bank account.

19. On or about March 20, 2015, THOMAS ADDAQUAY opened a Fifth Third bank account ending in x9970 in the name of United Consolidated Accounting and Business Services Inc. in which the proceeds of fraudulently obtained tax refunds were deposited. THOMAS ADDAQUAY and SACOYA LYONS were both authorized signers on the bank account.

20. On or about April 7, 2015, SACOYA LYONS opened a JPMorgan Chase bank account ending in x7629 in which fraudulently obtained tax refunds were deposited.

All in violation of Title 18, United States Code, Section 1349.

**COUNTS TWO through ELEVEN**  
**18 U.S.C. §§ 1343 and 2**  
**Wire Fraud**

21. The Grand Jury re-alleges and incorporates by reference paragraphs 2 through 20 of this Indictment as if fully set forth herein.

22. On or about the dates set forth below, in the Northern District of Georgia and elsewhere, defendants THOMAS ADDAQUAY and SACOYA LYONS, aided and abetted by each other and others known and unknown to the Grand Jury, for the purpose of executing and attempting to execute the scheme and artifice to defraud described in Count One, and for obtaining money and property by means of materially false and fraudulent pretenses, representations, and promises, as well as by omissions of material fact, knowing and having reason to know that the pretenses, representations, promises, and omissions were and would be material, with intent to defraud, did cause the following wire communications to be transmitted in interstate commerce:

COUNT	DATE	DESCRIPTION OF WIRE COMMUNICATION
2	3/11/2015	Wire transfer in the amount of \$53,012.14 from Reliafund Inc. to United Consolidated Accounting and Business's BB&T Bank Account ending in x3566
3	3/13/2015	Wire transfer in the amount of \$34,532.30 from Reliafund Inc. to United Consolidated Accounting and Business's BB&T Bank Account ending in x3566

4	3/16/2015	Wire transfer in the amount of \$26,961.00 from Reliafund Inc. to United Consolidated Accounting and Business's BB&T Bank Account ending in x3566
5	3/17/2015	Wire transfer in the amount of \$17,619.35 from Reliafund Inc. to United Consolidated Accounting and Business's BB&T Bank Account ending in x3566
6	3/17/2015	Wire communication associated with the deposit of fraudulent tax refund check into J.P. Morgan Chase Bank Account ending in x9756
7	3/19/2015	Wire transfer in the amount of \$18,213.30 from Reliafund Inc. to United Consolidated Accounting and Business's BB&T Bank Account ending in x3566
8	3/20/2015	Electronic filing of tax return for J.H. for tax year 2014
9	3/20/2015	Electronic filing of tax return for R.M. for tax year 2014
10	3/20/2015	Electronic filing of tax return for T.S. for tax year 2014
11	3/30/2015	Electronic filing of tax return for E.B. and G.B. for tax year 2014

All in violation of Title 18, United States Code, Section 1343 and Section 2.

**COUNTS TWELVE through SIXTEEN**  
**18 U.S.C. §§ 1028A(a)(1) and 2**  
**Aggravated Identity Theft**

23. The Grand Jury re-alleges and incorporates by reference paragraphs 2 through 20 of this Indictment as if fully set forth herein.

24. On or about the dates listed below, in the Northern District of Georgia and elsewhere, defendants THOMAS ADDAQUAY and SACOYA LYONS, aided and abetted by each other and others known and unknown to the Grand Jury, did knowingly transfer, possess, and use, without lawful authority, the means of

identification of other persons, including the names and social security numbers of actual persons known to the Grand Jury and identified below by their initials, during and in relation to the federal felony of conspiracy to commit wire fraud, as set forth in Count One of this Indictment:

Count	Date	Initials of Actual Person Whose Identity was Used	Means of Identification
12	3/17/2015	D.S.	Name and Social Security Number
13	3/20/2015	J.H.	Name and Social Security Number
14	3/20/2015	R.M.	Name and Social Security Number
15	3/20/2015	T.S.	Name and Social Security Number
16	3/30/2015	G.B.	Name and Social Security Number

All in violation of Title 18, United States Code, Section 1028A(a)(1) and Section 2.

**COUNT SEVENTEEN**  
**18 U.S.C. §1956(h)**  
**Money Laundering Conspiracy**

25. The Grand Jury re-alleges and incorporates by reference paragraphs 2 through 20 of this Indictment as if fully set forth herein.

26. Beginning on a date unknown, but from at least December 2012 and

continuing until at least in or about September 2016, the exact dates being unknown to the Grand Jury, in the Northern District of Georgia and elsewhere, defendants THOMAS ADDAQUAY, NANA ADDAQUAY, and SACOYA LYONS did knowingly combine, conspire, agree, and have a tacit understanding with each other and others known and unknown to the Grand Jury to commit an offense against the United States, that is, to knowingly engage and attempt to engage in monetary transactions by, through, and to a financial institution, affecting interstate commerce, knowing that said transactions involved criminally derived property of a value greater than \$10,000, such property having been derived from a specified unlawful activity, that is, conspiracy to commit wire fraud, in violation of Title 18, United States Code, Section 1349; in violation of Title 18, United States Code, Section 1957.

All in violation of Title 18, United States Code, Section 1956(h).

**COUNTS EIGHTEEN through TWENTY-NINE**  
**18 U.S.C. §§1957 and 2**  
**Money Laundering**

27. The Grand Jury re-alleges and incorporates by reference paragraphs 2 through 20 of this Indictment as if fully set forth herein.
28. On or about the dates listed below, in the Northern District of Georgia and

elsewhere, the defendants, THOMAS ADDAQUAY and NANA ADDAQUAY, aided and abetted by each other and others unknown to the Grand Jury, did knowingly engage and attempt to engage in monetary transactions by, through, and to a financial institution, affecting interstate commerce, as described below, each such transaction knowingly involving criminally derived property of a value greater than \$10,000, such property having been derived from a specified unlawful activity, that is, conspiracy to commit wire fraud, in violation of Title 18, United States Code, Section 1349, each transaction constituting a separate count as set forth below:

Count	Date	Defendant (s)	Monetary Transaction
18	3/17/2015	Thomas Addaquay and Nana Addaquay	Check in the amount of \$14,000.00 drawn on BB&T Bank account ending in x3566
19	3/18/2015	Thomas Addaquay and Nana Addaquay	Check in the amount of \$13,500.00 drawn on BB&T Bank account ending in x3566
20	3/20/2015	Thomas Addaquay and Nana Addaquay	Check in the amount of \$22,111.40 drawn on Wells Fargo Bank account ending in x9683
21	3/24/2015	Thomas Addaquay and Nana Addaquay	Check in the amount of \$25,647.80 drawn on Wells Fargo Bank account ending in x9683
22	3/25/2015	Thomas Addaquay and Nana Addaquay	Check in the amount of \$12,000.00 drawn on Wells Fargo Bank account ending in x9683
23	3/27/2015	Thomas Addaquay and Nana Addaquay	Check in the amount of \$20,000.00 drawn on Wells Fargo Bank account ending in x9683

24	3/30/2015	Thomas Addaquay and Nana Addaquay	Check in the amount of \$24,000.00 drawn on Wells Fargo Bank account ending in x9683
25	4/16/2015	Thomas Addaquay and Nana Addaquay	Check in the amount of \$13,000.00 drawn on Wells Fargo Bank account ending in x9683
26	4/23/2015	Thomas Addaquay	Wire transfer in the amount of \$60,320.00 payable to Tesla Motors
27	4/25/2015	Thomas Addaquay and Nana Addaquay	Check in the amount of \$30,300.00 drawn on Fifth Third Bank account ending in x9970
28	1/7/2016	Thomas Addaquay	Withdrawal of \$19,020.00 from Wells Fargo bank account ending in x9683
29	1/7/2016	Thomas Addaquay	Check in the amount of \$15,000.00 drawn on Wells Fargo Bank Account ending in x9683

All in violation of Title 18, United States Code, Section 1957 and Section 2.

#### Forfeiture Provision

29. Upon conviction of one or more of the offenses alleged in Counts One through Eleven of this Indictment, defendants THOMAS ADDAQUAY and SACOYA LYONS shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(2), all property constituting, or derived from, proceeds obtained directly or indirectly, as a result of said violations, including, but not limited to, the following:

MONEY JUDGMENT: A sum of money in United States currency, representing the amount of proceeds obtained as a result of the offenses alleged in Counts One through Eleven of this Indictment.

30. Upon conviction of one or more of the offenses alleged in Counts Seventeen through Twenty-Nine of this Indictment, the defendants, THOMAS ADDAQUAY, NANA ADDAQUAY, and SACOYA LYONS, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(1), all property, real and personal, involved in such offenses, and all property traceable to such property, including, but not limited to, the following:

MONEY JUDGMENT: A sum of money in United States currency, representing the amount of proceeds obtained as a result of the offenses alleged in Counts Seventeen through Twenty-Nine of this Indictment.

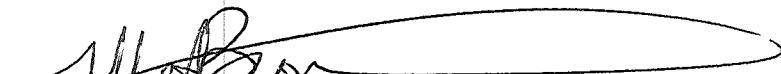
31. If, as a result of any act or omission of the defendants, any property subject to forfeiture:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

the United States intends, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1) and Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of the defendants up to the value of the forfeitable property.

A True BILL  
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